

ARTICLE 6.04 PEDDLERS*

Sec. 6.04.001 Defined

The term "peddler" as used in this article shall mean and include any person who travels from place to place or from house to house, and offers goods, services, wares, subscriptions, photographs, or other merchandise for sale.

Sec. 6.04.002 Permit required

It shall be unlawful for any person to be a peddler within the city without first applying for and obtaining a permit to do so from the city.

Sec. 6.04.003 Permit application

(a) Contents of application. Any person desiring to be a peddler within the city shall first file a written application for a permit to do so with the city, which application shall show:

- (1) The name and address of the applicant;
- (2) The name and address of the person whom the applicant represents;
- (3) The name of the last three (3) towns in which the applicant worked as a peddler, if any;
- (4) The kind of goods, wares, and merchandise offered or to be offered for sale by the applicant;
- (5) Whether the applicant will demand, accept, or receive payment or deposit of money in advance of final delivery of an order; and
- (6) The period of time such applicant intends to solicit, sell, or take orders in the city.

(b) Satisfactory proof of authority. The application shall also show satisfactory written proof of the applicant's authority to represent the company or the individual the applicant represents.

(c) Filing period. No permit shall be issued until such application has been filed with the city for a period of not less than seventy-two (72) hours.

Sec. 6.04.004 Permit fee; issuance

Said permit shall not be issued unless and until said applicant shall, by said investigation, be proven to have a reasonably good reputation for reliability and dependability. In order

to defray part of the expense necessary to provide the surveillance and inspection of persons, firms, and corporations as required by the terms of this article, there is hereby fixed a permit fee as provided for in the fee schedule found in the appendix of this code, which shall be collected from any person going in and upon the premises of private residences and soliciting orders for merchandise or offering the merchandise for sale and from each person so engaged in the act of soliciting for orders of merchandise or the sale of merchandise who calls upon the premises of a private residence. In no event shall there be any refund or proration of any fee paid under this article.

Sec. 6.04.005 When permit not required

The permit required by section 6.04.004 and the bond required by section 6.04.006 shall not be required of the following:

- (1) Ordinary commercial travelers who sell or exhibit for sale goods, wares and merchandise to persons engaged in the business of buying, selling and dealing in the same within the city;
- (2) Sale of goods, wares and merchandise, the proceeds of which are to be used and applied to some locally recognized charitable, educational, religious or philanthropic purpose; and
- (3) Those bonded distributors who take orders for future delivery of products regulated by interstate commerce.

Sec. 6.04.006 Bond required

Each application shall be accompanied by a surety bond in the penal sum of \$1,000.00, executed by such applicant as principal and a surety company licensed to do business as such in this state. No application shall be accepted, and no permit shall be issued hereunder, without a surety bond as set forth herein.

Sec. 6.04.007 Issuance of identification card

Along with every permit issued under the provisions of this article, the permittee shall be issued a card which shall be wallet size and contain the name of the permittee, permit number, date of expiration of permit, and the signature of the city secretary. Such card shall be stamped with the city seal on the face thereof. It shall be unlawful for the permittee to engage in his business without having such card in his possession, and it shall further be unlawful for such permittee to fail or refuse to show or display such card upon the request of any person demanding the same.

Sec. 6.04.008 Permit not transferable

Each permit issued under the provisions of this article shall not be transferable or assignable and shall give to no person other than the permittee, authority to transact any business in the city as a peddler.

Sec. 6.04.009 Term of permit

Each permit required by this article shall be valid for a period of one (1) calendar quarter, or part thereof, and maybe removed by the city for good cause.

Sec. 6.04.010 Nuisance declared

The practice of going into and upon private residences in the city by peddlers not having been requested or invited to do so by the owner or occupant of said private residences for the purposes of soliciting orders for the sale of goods, wares and merchandise or disposing of or peddling or hawking the same, is declared to be a nuisance and punishable as such as a class C misdemeanor by a fine in accordance with the general penalty provision found in section 1.01.009 of this code.

Sec. 6.04.011 Hours of peddling restricted

It shall be unlawful for any peddler to engage in the business of peddling at any time between thirty (30) minutes prior to sunrise and thirty (30) minutes after sunset except when the peddler has specific invitation and appointment with the customer.

Sec. 6.04.012 Peddling on public property restricted

(a) Unlawful to sell, exhibit or advertise on public property. No person shall have the right to sell, exhibit or advertise for sale on any street, sidewalk, alley, median, parkway or portion of public right-of-way within the city limits any goods, wares, merchandise of any kind or character; or to use any part of the streets, sidewalks or alleys within the city as a place to carry on such trade, profession or business.

(b) Unlawful to solicit for contributions on public property. No person shall have the right to solicit for contribution or donations on any street, sidewalk, alley, median, parkway or portion of the public right-of-way within the city; or to use any part of the streets, sidewalks or alleys within the city as a place to carry on such solicitation.

(c) Chief of police authorized to grant permission for use of public right-of-way. Notwithstanding subsections (a) and (b), upon application to the chief of police in writing, and based upon a showing of good cause or public need, the chief of police shall have the authority to grant permission to any person, firm, corporation, association or

organization the right to conduct such trade, profession, business or solicitation on a public right-of-way, designating the exact location, time and duration of such permit.

Sec. 6.04.013 Vehicles on public property

It shall be unlawful for any peddler to take a stand or stop or stand his vehicle on any public street within the city for more than fifteen (15) minutes.

Sec. 6.04.014 Penalty; enforcement

It is unlawful for any person, firm, corporation, or agent to fail to comply with the requirements of this article or any provision thereof, and each such failure shall be punished as a class C misdemeanor by a fine in accordance with the general penalty provision found in section 1.01.009 of this code. Each such person, firm, corporation, or agent shall be deemed to be guilty of a separate offense for each and every day, or part thereof, during which any violation of this article is committed or continued. Any complaint related to the violation of this article or any provision thereof shall be filed with the municipal court clerk.

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